

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

TO: PUTMAN  
RARDG

OFFICE OF  
MANAGING DIRECTOR

February 4, 2005

Robert James  
Counsel for Gilmer Cable  
Cole, Raywid & Braverman, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, DC 20006-0067

Re: Gilmer Cable Television Co., Inc.  
Request for Waiver of FY 2004  
Regulatory Fee Penalty  
Fee Control No. 00000RROG-05-020

Dear Mr. James:

This responds to your December 22, 2004 letter requesting waiver of the penalty for late payment of the fiscal year (FY) 2004<sup>1</sup> regulatory fees for Gilmer Cable Television Co., Inc. (Gilmer Cable) in Gilmer, Texas. Our records show that the FY 2004 regulatory fee penalty of \$443.25 has not been paid.

In your letter, you state that Gilmer Cable timely submitted its FY 2004 regulatory fee in full on August 11, 2004, but inadvertently mailed the payment to the Federal Communications Commission in Washington, DC, instead of the Commission's payment center in Pittsburgh, Pennsylvania. You state that Gilmer Cable recognized its mistake when the payment had not cleared its bank by November 2004 and remittance had not been returned by the Commission. You also state that once it recognized its mistake, on December 2, 2004, Gilmer Cable submitted a new check for payment of the regulatory fees by hand-delivering it to the Commission's payment center in Pittsburgh. You request waiver of the late penalty on account of the mistake being caused by an inadvertent clerical error and Gilmer Cable's "good faith payment efforts and timely follow up." You also state that the public interest will not be served by imposing a costly late payment penalty on this small company.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensee responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory

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<sup>1</sup> Although your letter requests waiver of the penalty for late payment of the FY 2003 regulatory fees, it is apparent from your letter that you are referring to the regulatory fee payment for FY 2004.

fees are due for the year. See 47 C.F.R. § 1.1164.<sup>2</sup> Your request does not indicate or substantiate that Gilmer Cable met this obligation. Further, although Gilmer Cable may not have been aware of or fully understood the Communications Act or the Commission's rules regarding regulatory fees, Commission licensees are expected to know and understand the requirements and rules governing their licenses.<sup>3</sup> Therefore, your request is denied.

Payment of the \$443.25 late penalty for late payment of the FY 2004 regulatory fee is now due. The late penalty should be submitted, together with a copy of Bill number 0520000057 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

Enclosure

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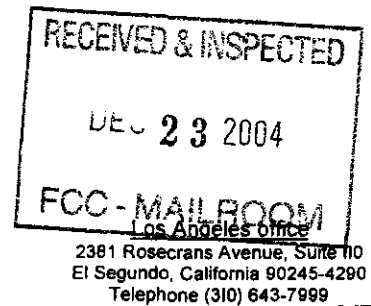
<sup>2</sup> Section 1.1164 states that "[a] timely fee payment ... is one received at the Commission's lockbox bank [in Pittsburgh, PA] by the due date specified ...."

<sup>3</sup> Among other things, the Commission issued Public Notices announcing the due date for payment of fees. *Public Notice*, DA 04-2215, July 21, 2004; *Public Notice*, DA 04-2262, July 23, 2004; *Public Notice*, DA 04-2549, August 18, 2004.

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December 22, 2004



RECEIVED FCC/FOC/TOG

DEC 27 2004

**HAND DELIVERY**

Federal Communication Commission  
Revenue and Receivables  
445 12th Street, S.W.  
Washington, D.C. 20554

RECEIVED - FCC

DEC 22 2004

Federal Communication Commission  
Bureau / Office

BY: \_\_\_\_\_

00000RROg-05-c

Re: **Gilmer Cable Television Co., Inc.**

Dear: Gentlemen,

On the behalf of Gilmer Cable Television Co., Inc., the purpose of this letter is to request that the Commission waive the 25% late payment penalty in connection with Gilmer's regulatory fee payments.

On August 11, 2004, Gilmer timely submitted the full amount of its FY 2003 regulatory fee payment to the FCC. Gilmer inadvertently mailed the fees, certified mail - return receipt, to the Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554 instead of P.O. Box 358835, Pittsburgh, PA 15251-5835. Copies of Gilmer's Check # 23530 and the certified mail receipt are attached. Gilmer was concerned the remittance had not cleared its bank by November and, further, that the remittance had not been returned by the Commission.

Once Gilmer recognized the problem with the payment, on December 2, 2004, it submitted a new check for payment for the FY 2003 regulatory fees to the FCC, by hand delivering its payment to the FCC's Pittsburgh payment center (copy attached). In view of these circumstances, Gilmer requests that the Commission waive the 25% late payment penalty. Gilmer timely paid its FY 2003 regulatory fees but inadvertently through a clerical error sent them to the Commission's main office, rather than the Pittsburgh payment location. Considering Gilmer's good faith payment efforts and timely follow up, the public interest will not be served by imposing a costly late payment penalty on this small company.

If any additional information is needed, please contact undersigned counsel.

Sincerely,

Robert James  
Counsel for Gilmer Cable